

IAP6 Rec'd PCT/PTO 09 NOV 2006

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/534,990

Filing Date MAY 16, 2005

First Named Inventor HEIM, ALBERT

Art Unit 1654

Examiner Name UNASSIGNED

Attorney Docket Number 3968.156

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	RETURN RECEIPT POSTCARD
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	AMENDED SEQUENCE LISTING & 2 CD'S
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	ENCLOSURES A-F
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Akerman Senterfitt/Nicholas J. Landau, Reg. No. 57,120 P.O. Box 3188 West Palm Beach, FL 33402-3188
Signature	<i>Nicholas J. Landau</i>
Date	11/06/2006

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Nicholas J. Landau, Reg. No. 57,120		
Signature	<i>Nicholas J. Landau</i>	Date	11/06/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2005</h3>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/534,990
		Filing Date	MAY 16, 2005
		First Named Inventor	HEIM, ALBERT
		Examiner Name	UNASSIGNED
		Art Unit	1654
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 450.00		Attorney Docket No. 3968.156	

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account   Deposit Account Number: 50-0951   Deposit Account Name: Akerman Senterfitt	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Small Entity		Small Entity		Small Entity		
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
<b>2. EXCESS CLAIM FEES</b>							
<u>Fee Description</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>					
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25					
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100					
Multiple dependent claims	360	180					
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>		<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ - 20 or HP = _____ x _____ = _____							
HP = highest number of total claims paid for, if greater than 20							
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>				
_____ - 3 or HP = _____ x _____ = _____							
HP = highest number of independent claims paid for, if greater than 3							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>		<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		
_____ - 100 = 0		/ 50 = _____ (round up to a whole number)		x _____	= _____		
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)					<b>Fees Paid (\$)</b>		
Other: 2 MONTH EXTENSION OF TIME					450.00		

<b>SUBMITTED BY</b>			
Signature	<i>Nicholas J. Landau</i>	Registration No. 57,120 (Attorney/Agent)	Telephone (561) 653-5000
Name (Print/Type)	Nicholas J. Landau	Date 11/06/2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/534,990 Confirmation No. : 4725  
Applicant : HEIM, Albert  
Filed : May 16, 2005  
Group Art Unit : 1645  
Examiner : Unassigned  
Docket No. : 3968.156  
For : AGENTS AND METHODS FOR DETECTING HUMAN  
ADENOVIRUSES

RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. § 371

MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited either by facsimile to 571-273-8300 or with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 6, 2006

*Nicholas J. Landau*  
Nicholas J. Landau, Reg. No. 57,120

In response to the "Notification of Missing Requirements" sent July 12, 2006, the Applicants submit the following:

1. The **English Translation of the Application**, including **claims 1 – 17** and the **Abstract**, as submitted June 9, 2006 (Enclosure A).
2. A **Substitute Specification** with changes marked, in which the Specification complies with the formalistic requirements of U.S. Patent Practice (Enclosure B)
3. A **Substitute Specification** without changes marked (clean copy) , otherwise identical to the one above (Enclosure C).
4. **Amendments to the Claims** (Enclosure D).
5. **Amended Sequence Listing** (Enclosure E).
6. **Drawings translated into English** (Enclosure F).

The Applicants simultaneously petition for a TWO MONTH EXTENSION to respond under 37 C.F.R. § 1.136(a).

Enclosed are two (2) **Computer Readable Forms** in compact disc format on which have been recorded the file named "10534990 Substitute CRF.txt" in compliance with the requirements of 37 C.F.R. § 1.52 and 37 C.F.R. § 1.821 (e).

Enclosed also is a copy of the **Notification of Missing Requirements**.

## REMARKS

### English Translation of Application

The Applicants hereby state that to the best of their knowledge the Translation of the Application is a true and accurate translation of International Application PCT/EP2002/012756.

### Substitute Specification

The Specification has been amended to conform to U.S. practice and requirements. Title headings have been added, needless hyphens removed, and misspellings corrected. Care has been taken to ensure that no new matter has been introduced. Entry and favorable consideration are requested.

### Amendments to the Claims

The claims have been amended to conform to U.S. practice and requirements. Claims 18 – 28 have been cancelled. New Claims 29 – 38 have been added. Support for new claims 29 – 38 can be found in Claims 1 – 17 in the International Application and in the Specification. Care has been taken to ensure that no new matter has been introduced. Entry and favorable consideration are requested.

### Amended Sequence Listing and Computer Readable Form

The submission, filed in accordance with 37 CFR 1.821(h), herein does not include new matter or matter which goes beyond the disclosure in the International Application. The substitute sequences are identical to those disclosed in the Sequence Listing of the International Application. Only formalistic changes have been made. The changes are: the contents of all fields are currently submitted in the English language, whereas in the International Application the contents of some fields were in English and the contents of some fields were in German.

The substitute Sequence Listing, made in accordance with 37 C.F.R. § 1.825(a), included in the substitute sheet and compact discs, as filed, are supported in the Sequence Listing of the International Application, as filed. The substitute sheet of the Sequence Listing and Computer Readable Form do not include new matter.

The Applicants hereby state that the information recorded in computer readable form is identical to the written sequence listing; that the two compact discs are identical; that the submission, filed in accordance with 37 CFR 1.821, herein does not include new matter; that the amendments, made in accordance with 37 CFR 1.825(a), included in the substitute sheet of the Sequence Listing are supported in the Sequence Listing of the International Application, as filed; that the substitute sheets of the Sequence Listing do not include new matter; and that the substitute copy of the Computer Readable Form, submitted in accordance with 37 C.F.R. § 1.825 (b), is the same as the substitute Sequence Listing.

The Computer Readable Forms in compact disc format are readable by IBM-PC clones. The operating system used to make these files was "Windows XP Professional." The file name, size, and creation date are as follows

<u>Name</u>	<u>Size</u>	<u>Date Created</u>
10534990 Substitute CRF.txt	883 bytes	Oct. 19, 2006

Entry and favorable consideration are requested.

#### Drawings Translated Into English

The Applicants hereby state that to the best of their knowledge the Drawings Translated into English are true and accurate translations of the drawings from International Application PCT/EP2002/012756.

Concluding Remarks

As stated above, the Applicants have submitted a request for a two-month extension of time with submission of this paper. The Applicants request that this submission also be considered as a petition for further extensions of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,



Nicholas J. Landau  
Registration No. 57,120

AKERMAN SENTERFITT  
Esperante Building  
222 Lakeview Avenue, Suite 400  
West Palm Beach, Florida 33401-6183  
(516) 653-5000

Date: 11/06/2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/534,990	Albert Roland Heim	3968.156

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/EP02/12756

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

11/14/2002

41288

STEPHAN A. PENDORF, P.A.  
 PENDORF & CUTLIFF  
 5111 MEMORIAL HIGHWAY  
 TAMPA, FL 33634

CONFIRMATION NO. 4725

371 FORMALITIES LETTER



\*OC000000019569537\*

Date Mailed: 07/12/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/16/2005
- Copy of the International Search Report filed on 05/16/2005
- Preliminary Amendments filed on 05/16/2005
- Biochemical Sequence Diskette filed on 05/16/2005
- Oath or Declaration filed on 06/09/2006
- Request for Immediate Examination filed on 05/16/2005
- Copy of references cited in ISR filed on 05/16/2005
- U.S. Basic National Fees filed on 05/16/2005

AUG 01 2006

LAHN	FIELD
DO	
JUL 17 2006	
RETRIEVED	
FORWARDED	

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/534,990	PCT/EP02/12756	3968.156